

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DEAN SCHMIDT,

Plaintiff,

Civil No. 6:15-CV-0640-TC

v.

Findings and Recommendation

SUMMIT FUNDING, INC., a  
California corporation;  
and DAVID KAMMERER,

Defendants.

COFFIN, Magistrate Judge:

The parties have stipulated to the dismissal of the only federal claim in this action.

This court should exercise its discretion and decline to exercise supplemental jurisdiction over the remaining state-law claim as all federal claims have been dismissed and such action is appropriate in the circumstances of this case. See 28 U.S.C §1367 (c)(3); Acri v. Varián Associates, Inc., 114 F.3d 999, 1001 (9th Cir. 1997) ("The Supreme Court has stated, and we have often repeated, that 'in the usual case in which all federal-law claims are eliminated before




trial, the balance of factors ... will point towards declining to exercise jurisdiction over the remaining state-law claims'" (citation omitted)). This court has not invested its judicial energies as to the state claim to such an extent that would justify retaining jurisdiction. Nor is it apparent that judicial economy would be served by retaining jurisdiction over this case. Although it might be more convenient for the parties if the court retained jurisdiction, fairness and comity would be served by declining jurisdiction.

#### CONCLUSION

The court should decline to exercise supplemental jurisdiction over the remaining state claim in this action. As such, this action should be remanded to the Circuit Court for the County of Lane.

DATED this 10<sup>th</sup> day of January, 2017.

  
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THOMAS M. COFFIN  
United States Magistrate Judge